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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE 33rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 21 February 1990, at 10 a.m.

Chairman: Mrs. QUISUMBING (Philippines)
later: Ms. SINEGIORGIS (Ethiopia)

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The meeting was called to order at 10.25 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued) (E/CN.4/1990/5, 21, 22 and Add.1, 25-28, 51, 52, 55, 57, 60-63, 69, 70 and 74; E/CN.4/1990/NGO/1, 3, 9, 10, 15, 19, 23-27, 31, 32, 34, 35, 40, 47, 53-55, and 58; A/44/526, 573, 620, 622, 635, 669 and 671)

1. Mr. SMITH (International Association for the Defence of Religious Liberty) said he was concerned that religious intolerance continued to exist in many countries. Some Constitutions affirmed only religious freedom in respect of their countries' traditional faiths, while officials persecuted and suppressed the free dissemination of alternative religious views.

2. Christians, for example, were fined, beaten, tortured and imprisoned in the world's only Hindu kingdom, Nepal. The first recorded case of persecution of Christians in modern Nepal had occurred in 1958 and his organization had documented more than 200 cases of Christians who had been arrested in recent years. Such practices were in contradiction to the teachings of Hinduism, which embodied tolerance, compassion, knowledge, freedom of thought and conscience and freedom from fear.

3. Charles Mendies, a Nepalese Christian and international spokesman for human rights in Nepal, who had compiled a report on religious persecution there, was serving a six-year gaol sentence for proselytizing. His defence lawyer had argued that article 14 of the Nepalese Constitution gave citizens the right to practise other faiths so long as Hindus were not interfered with, a right also acknowledged in the Government replies and that the Criminal Code which prohibited the propagation of any religion other than Hinduism was in conflict with article 14. In August 1989, however, the Supreme Court had ruled against Mr. Mendies and his co-defendants, subsequently holding that article 14 prohibited the conversion of any Hindu to Christianity or Islam.

4. In November and December 1989, a number of incidents had occurred in which Christian pastors and their congregations had been beaten by police, arrested, gaoled, and forced to recant and bow down before Hindu sacred objects. Such harassment of believers was clearly in violation of United Nations principles affirming freedom of assembly.

5. As a Member State of the United Nations, Nepal had a duty to respect and uphold the fundamental rights and freedoms embodied in the Charter, including freedom of religion. The Government of Nepal had repeatedly affirmed its commitment to the Universal Declaration of Human Rights, articles 18 and 19 of which specifically affirmed the right to freedom of conscience and religion. Moreover, as a party to the International Convention on the Elimination of All Forms of Racial Discrimination, Nepal was obliged to guarantee civil rights, including the rights to freedom of thought, conscience and religion, freedom of opinion and expression, and freedom of peaceful assembly and association.

6. Nepal's Constitution, which afforded no freedom of choice in matters of religion, did not conform to the United Nations Charter and the other human rights instruments. Accordingly, Christian human rights organizations,

including his own, with the support of more than 100 United Kingdom members of Parliament, had called upon the King of Nepal to amend the Constitution and legal code so as to allow Christians to practise their faith freely, to guarantee the right of individuals to convert voluntarily from one religious belief to another, to reform all laws and regulations not in keeping with the international norms of human rights and religious freedom, to cease religious persecution and human rights abuses and to release promptly all non-violent prisoners of conscience. He urged all Governments to join in that effort, and requested the Special Rapporteur on religious intolerance to investigate the situation in Nepal and report to the Commission thereon at a later date.

7. Ms. TORNAGO (International Association Against Torture) said that she was an Italian citizen and a teacher, who had gone to El Salvador in 1986 to take part in a social welfare project. In November 1989, while she had been at the home of a trade unionist in Soyapango, six Rural Police officials had stormed into the house without a warrant. She had been searched and taken to police headquarters, stripped of her clothes and handcuffed.

8. During the following days she had been interrogated and subjected to various tortures, including attempts to asphyxiate her by placing a plastic hood over her head. She had been forced to stand with her arms raised, had been deprived of food, water and sleep, and had not been permitted to use the toilet. She had also been beaten repeatedly on the head, face, ears, stomach and legs. Various psychological tortures had also been inflicted on her, such as simulated executions. From time to time, the door of the small cell in which she was being held had been opened so that she could hear the shrieks and cries of other prisoners being tortured nearby.

9. At one stage she had been approached by an officer of the Batallón Atlacatl, who had offered to help her if she would make a video-taped confession of her ties to the Farabundo Martí National Liberation Front of El Salvador (FMLN). She had agreed on condition that she would first be permitted to receive a visit from the Italian Ambassador. When she had subsequently refused to allow herself to be video-taped, and to sign confessions which contained fabrications or statements made under torture, she had been brought before a judge, who had ordered her to be held in judicial detention. She had then been taken to the Ilopango prison, from which she had eventually been released, one month after being taken into custody.

10. Mr. URIBE (International Association Against Torture) said that, 16 years previously, one of the worst dictatorships in Latin America had been installed in Chile. The United Nations, human rights organizations and the Organization of American States had amassed irrefutable evidence of the crimes against humanity committed in that country. In his most recent report (E/CN.4/1990/5), the Special Rapporteur on the question of human rights in Chile recorded continuing violations of human rights there.

11. In its resolution 44/166, the General Assembly had called upon the Government of Chile to ensure the independence of the judiciary, which had been jeopardized by the régime's appointment of a number of judges who had endorsed all the régime's criminal actions. A former judge of the Criminal Court at Santiago had been dismissed because he had dared to investigate cases of torture in which the security forces were implicated.

12. The Chilean people had recently taken part in an electoral process and had supported a sector of the opposition. It had thus become essential to clear up cases of human rights violations and bring those responsible to justice. To that end, it would be necessary to come to grips with the legal apparatus set up by the régime on the basis of the illegitimate 1980 Constitution. The repeal of the legal aberration known as the Amnesty Act was also an indispensable step on the road to truth and justice, as was the release of some 400 political prisoners.

13. The dictatorship had not ended in Chile. The Constitution ensured that the armed forces retained control of the civilian population. He called upon the Commission to encourage changes, through a special monitoring mechanism, which would enable human rights to prevail in Chile, after having been trampled underfoot for so many years.

14. Mr. LILLIS (Observer for Ireland), speaking on behalf of the members of the European Economic Community, said that the last twelve months had already seen the most dramatic and profound advances in the promotion of human rights since the establishment of the Commission. The Twelve saluted the courage of the peoples of the Soviet Union, Hungary, Poland, Czechoslovakia, Bulgaria and the German Democratic Republic in their pursuit of human rights and a better future, not only for themselves and their children, but for the whole world.

15. The entire international community had been moved by the struggle of the people of Romania, whose December revolution had ended a particularly brutal and odious dictatorship. The Romanian people must be allowed to create a genuine democracy. The crimes of the former régime must be brought to light, with full respect for the right to a fair trial of those responsible. The Twelve hoped that the forthcoming elections would provide Romania with stable democratic institutions and they would continue to provide all necessary assistance towards that end.

16. The Twelve took a deep satisfaction in the achievement of the peoples of Eastern Europe and in the capacity of all human beings to demand and struggle for freedom against overwhelming odds. The existence of the standards embodied in the Universal Declaration of Human Rights had for years nurtured the courage of thousands in Eastern Europe and elsewhere who had been prepared to suffer and die to achieve those goals.

17. The Commission was not a court of law which could put the Governments of the world on trial. To the extent possible, it must strive to achieve progress in human rights through multilateral co-operation and dialogue between Governments. That did not mean, however, that the Commission's efforts should be confined to seeking a consensus among its members. The substance of its work was its responsibility to the people of the world whose rights were denied.

18. Within the area of the Council of Europe, to which the European Convention on Human Rights applied, there were grave problems, such as the question of human rights in Cyprus. The delegations for which he spoke supported the good-offices mission of the Secretary-General to promote a comprehensive, just and lasting settlement in Cyprus which would address the human rights concerns of all Cypriots.

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19. The Twelve remained concerned at reports of recurring human rights violations, particularly religious persecution, in Albania and hoped that, before too long, all the people of Albania would be able fully to enjoy their human rights.

20. The evil system of apartheid in South Africa stood out in any contemplation of the current state of human rights in the world. However, there were grounds for hope. The release of Nelson Mandela, together with the steps recently announced by President de Klerk, constituted an important contribution to the establishment of the necessary climate for the initiation of genuine negotiations with the black community. Such negotiations must be aimed at the total abolition of apartheid and the establishment of a new, democratic, united and non-racial South Africa.

21. As Namibia prepared to join the community of nations, the Twelve saluted the central role played by the United Nations with regard to the peaceful establishment of structures based on the principle of self-determination and respect for the human rights of all. Namibia would be welcome to join with the European Economic Community and the African, Caribbean and Pacific countries which were signatories to the Fourth Lomé Convention, as soon as it wished to do so.

22. Despite some hopeful indications in the first half of 1989, a new wave of violence and government repression in Somalia had led to further serious human rights abuses. He strongly urged the Somali authorities to adopt measures to prevent such abuses and remedy those violations which had occurred.

23. The Twelve welcomed the release of some political prisoners in Ethiopia during 1989. Those who remained in detention should be given the opportunity of a fair trial at an early date, or else released.

24. The human rights situation in Sudan had worsened in recent months. Repeated reports of human rights violations, including massacres of civilians, had reached the public. The Sudanese Government should honour its commitments under the International Covenants on Human Rights.

25. The Twelve had continually expressed their concern with regard to the human rights of the Palestinian inhabitants of the occupied territories. The methods used to repress the Palestinian uprising were taking a heavy toll in deaths and injuries. The cause of peace was not served by such practices. He again urged Israel to abandon the use of excessive and indiscriminate force in the territories in question and to respect its obligations under the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, notably in the areas of health and education.

26. The Twelve also called upon Israel to refrain from creating new settlements in the occupied territories, in order to foster confidence that a political solution was within reach. The key requirements for a political solution, namely, security for Israel and self-determination for the Palestinian people, were more widely accepted than ever before. All the parties concerned should demonstrate their commitment to progress on the substantive issues.

27. The Commission had rightly concerned itself for some years with reports of systematic violations of human rights in Iran, including the situation of the Bahá'ís, and had been a source of hope to those people in Iran who looked to the outside world for help. The Twelve awaited with particular interest the report of the Special Representative on the human rights situation in Iran and were pleased that the Government of Iran had finally invited him to visit that country. For that reason, they had agreed that the General Assembly should defer its substantive consideration of his interim report. They would continue to follow the human rights situation in Iran closely.

28. The reports on enforced or involuntary disappearances (E/CN.4/1990/13) and on summary or arbitrary executions (E/CN.4/1990/22) again contained allegations of human rights violations in Iraq. The Twelve looked forward to the early implementation of measures to redress certain deficiencies in the human rights situation, such as a new constitution and some freedom of the press, and hoped that the Iraqi authorities would officially endorse the invitation extended to the members of the Sub-Commission to study the human rights situation in the country at first hand. The Twelve had not forgotten the inhuman suffering inflicted on the Kurds in Iraq during military attacks as the Iran/Iraq hostilities ended or the subsequent forced relocation of thousands of Kurds. They hoped that the Commission would address the issue appropriately. They were also concerned about the situation of Kurdish minorities in other countries of the region.

29. In Syria, a régime with very little scope for legal opposition had placed major obstacles in the way of promoting human rights. Disappearances, arbitrary arrests and cases of torture had been reported. The rights of members of the Jewish community and certain other minorities were infringed. The Twelve hoped that the contact established some months previously between the Syrian authorities and Amnesty International might signal the end of opposition to the monitoring of such issues and the beginning of a real effort to observe human rights.

30. The move towards freedom and democracy in China had been dramatically reversed by the repression of the peaceful protest movement in Beijing in June 1989, when troops had opened fire on unarmed civilian crowds in violation of international norms. Many arrests and executions were reported to have taken place subsequently. Indeed, the authorities themselves continued to announce further repressive measures against those who disagreed with the régime, including restrictions on freedom of speech, political action and travel. It would be inconceivable for the Commission to abandon the people of that great country.

31. The Twelve called upon the Chinese authorities, in keeping with their international obligations, to guarantee full respect for the human rights of all their citizens, including those in Tibet, to release all political prisoners and to respect the rights of freedom of opinion and peaceful assembly. It was to be hoped that the decision to lift martial law in Beijing would lead to an improvement in the human rights situation in China.

32. The Commission had, with good reason been addressing the widespread human rights problems in Afghanistan for several years. Despite the hopes generated at the time of the signature of the Geneva Agreements on Afghanistan, the

report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1990/25) indicated that the overall human rights situation there remained a matter of deep concern even after the withdrawal of Soviet troops. The Twelve urged all the parties to the conflict to ensure full respect for human rights.

33. Surely no people had suffered on such a devastating scale in recent times as the Cambodians. It was to the shame of the Commission that it had failed to concern itself properly with their nightmare during the period of the Pol Pot régime. The Cambodians were currently again the victims of a renewed conflict that had caused heavy loss of life and widespread human misery.

34. The Twelve again called upon the parties to the conflict to cease hostilities immediately and to return to the negotiating table with the aim of achieving a political settlement within the framework of the Paris Conference on Cambodia. The cessation of hostilities should be accompanied by the ending of all forms of external military assistance to the belligerents. The Twelve sought a comprehensive political settlement which must ensure the independence, sovereignty, territorial integrity and neutrality of Cambodia as well as the fundamental right of Cambodians to choose their own Government in free, fair and internationally supervised elections.

35. They once again expressed their total rejection of the genocidal policies of the Pol Pot Khmers Rouges, whose non-return to power remained an essential element of the European Economic Community's policy on Cambodia. The Twelve would support only those political solutions which offered a positive perspective for the protection of the human rights of all Cambodians.

36. The human rights situation in Viet Nam still gave cause for concern. Numerous prisoners continued to be arbitrarily detained contrary to the international obligations to which Vietnam had subscribed. It was to be hoped that the Vietnamese Government would release all those prisoners without delay. The Twelve also appealed to the Vietnamese authorities to respect fully the human rights of Vietnamese citizens returning to their country.

37. The human rights situation in Myanmar remained disturbing. Although the military authorities had undertaken to hold elections, serious questions remained as to their democratic character, in circumstances where two of the principal leaders, Aung San Suu Kyi and U Nu, were under house arrest; where a recent decision appeared designed to deprive Aung San Suu Kyi of the right to contest the elections; where a third leader, U Tin Oo, had been sentenced to three years' imprisonment; where meetings of more than four persons were banned; and where it was forbidden to criticize the army or the military Government. Moreover, well-founded allegations of numerous cases of arbitrary imprisonment, disappearances and torture had been noted.

38. The Twelve urged the authorities of Myanmar to restore the credibility of the electoral process by lifting the measures restricting political activity and investigating seriously all abuses. The Commission must seek the co-operation of the authorities of Myanmar in every possible way so as to re-establish confidence in that country's democratic future and restore respect for human rights.

39. The situation in Sri Lanka also gave cause for concern. The Twelve called upon all the parties to the conflict to exercise restraint and to refrain from any action which threatened human rights or was in contravention of the principles of international humanitarian law. In that context, they welcomed the recent decision of the Government of Sri Lanka to facilitate the work of the International Committee of the Red Cross.

40. The Twelve regretted the execution in Indonesia of four political prisoners on 16 February 1990 after more than 25 years of imprisonment. Regarding East Timor, they noted disquieting reports of human rights violations, including torture and ill-treatment, and hoped that the Indonesian Government would see fit to allow representatives of human rights organizations to visit the territory.

41. For many years, the countries of Latin America had been the scene of some of the greatest struggles for human rights, and democracy had been restored in many instances. The Twelve saluted with deep respect the efforts of the peoples of Latin America to secure their human rights. By their willingness to co-operate with the Commission, the Latin American countries had made a unique contribution to its mechanisms.

42. The Twelve took great pleasure in welcoming the return of Chile to the democratic fold. They were confident that the new President and Government of Chile would give the highest priority to the protection of human rights, and appealed to the new Government to deal quickly with the grave accusations made against the "Colonia Dignidad".

43. The action taken by the Commission since 1974 in response to reports of human rights violations in Chile had contributed to the democratization process in that country. In that context, the Twelve endorsed the Special Rapporteur's recommendations in his report on the situation of human rights in Chile (E/CN.4/1990/5) and the emphasis he placed on the need to guarantee consistently the judicial protection of human rights.

44. Reports from El Salvador unfortunately revealed a situation that had deteriorated since 1989. The Twelve had consistently condemned human rights abuses there, most recently following the assassination of six Jesuit priests and members of their staff. They welcomed the determination with which the Government of El Salvador had pursued the investigation of those killings and hoped that all those responsible would be brought to justice. The obligation of the Government to safeguard human rights included ensuring that its security forces complied with those standards. Clearly, there was continuing need for the role of the Special Rapporteur, and the Twelve called upon the Government of El Salvador to continue to give him its full co-operation.

45. The situation in Guatemala also continued to deteriorate. All Governments, without exception, had the obligation to protect and implement human rights. Although the Government of Guatemala neither condoned nor encouraged human rights violations, it had proved incapable of exercising effective control to prevent their increase, especially deaths and disappearances. Events had not justified the cautious optimism felt a few years previously. The current report by the Expert on Guatemala (E/CN.4/1990/45 and Add.1) concluded that virtually nothing had been done either by the Government or by the judiciary to investigate and punish earlier human rights violations (para. 66 (c)).

46. The Twelve appealed to the Government of Guatemala to take immediate and effective action to bring those responsible for such violations to justice, including members of the security forces. While supporting the democratic system in Guatemala and understanding the grave difficulties faced by the Government of that country, the Twelve believed that democracy could survive only if every effort was made to protect human rights and provide a remedy to those whose rights had been violated and they would support any initiative of the Commission designed to help the authorities of Guatemala to achieve that end.

47. The situation in Haiti had also deteriorated badly since the summer of 1989. The number of assassinations had increased, and many political leaders had been arrested, mistreated or forced into exile. Although the state of emergency had been lifted on 30 January 1990 and an amnesty granted on 7 February to those detained for alleged crimes against the security of the State, the free exercise of human rights was still not guaranteed, and the Twelve urged the Government of Haiti to honour its commitment to hold free and fair elections within the established timetable and to allow all Haitians to participate safely in their preparation.

48. The Twelve had seen merit in the report on the mission to Cuba (E/CN.4/1989/46), which had properly reflected the problems and achievements of Cuba in the human rights area. It was noteworthy that many of the constitutional, legal and administrative problems in the field of human rights currently being energetically addressed by Eastern European countries had been mentioned in that report. The result of a co-operative effort between representatives of all the regional groups, the report had been an impressive example of the capacity of the Commission to address controversial issues in a comprehensive way.

49. However, the first duty of the Commission was not to itself but to the victims of human rights violations, and the delegations he represented were seriously concerned at reports of reprisals carried out, since the Commission's forty-fifth session, against many of those citizens who had approached the Commission's representatives while they were in Cuba. Those reports must be investigated, because the Commission must be seen to act to ensure that witnesses were protected against reprisals by Governments. Furthermore, certain aspects of the report, in particular unanswered questions put to the Cuban authorities by the representatives of the Commission, had still to be clarified.

50. The Twelve attached particular importance to the work of the Special Rapporteur on summary or arbitrary executions and appealed to all States to co-operate fully with him so that that odious practice could be eliminated. Despite some improvement in that respect, there were Governments which still declined to respond to the Special Rapporteur's requests for information. In that context, the Twelve particularly appreciated the full co-operation extended to the Special Rapporteur by the Government of Colombia during his recent visit to that country.

51. Although the cause of human rights had recently seen major progress, many grave problems remained. The Commission must take the current opportunity to build on its existing credibility by strengthening its mechanisms and committing itself to still greater efforts.

52. Ms. Sinegiorgis (Ethiopia) took the Chair.

53. Mr. de SILVA (Sri Lanka) said that for more than 2,000 years, Sri Lankan culture had been steeped in the tenets of non-violence, and yet for several years his Government had been grappling with violence and sabotage by insurgent groups as well as with the attendant human rights concerns. The well-meant advice offered by many international organizations for which his Government was grateful, might not have fully reflected the complex dynamics of Sri Lankan society or the external dimensions of the situation.

54. Decentralization had been said to be the answer. Accordingly, the Government had amended the Constitution and established provincial councils whose members were chosen by free and fair elections. Sri Lanka had been told to change its language policy, and his Government had appointed a language commission to that end. Sri Lanka had been advised to declare a cease-fire, and his Government had done so, establishing a monitoring committee to observe compliance. Sri Lanka had also been constrained to admit a foreign peace-keeping force to disarm the militants while retaining its own troops in barracks. Sri Lanka had been told that an amnesty must be declared for all persons charged or convicted of offences under the Prevention of Terrorism Act or the emergency regulations, and his Government had released all detainees and had issued orders not to prosecute large numbers of other cases.

55. Despite the prevailing situation, his Government continued with its process of holding regular elections, and provincial council elections had been held in 1987, presidential elections in 1988 and parliamentary elections in 1989. International monitoring committees had followed the elections, and their report was available for all to see. For the parliamentary elections, a system of proportional representation had been adopted in the interest of greater democracy.

56. With a view to finding a lasting solution, in the beginning of 1989 the state of emergency had been lifted and nearly 1,500 detainees released. However, the intransigent attitude of the insurgents and widespread acts of economic sabotage, violence and murder had made it necessary to impose the state of emergency again and to take firm action.

57. In the context of escalating violence resulting from subversive activities and enforcement measures to preserve law and order, a number of human rights concerns had been voiced nationally and internationally. In response, his Government had adopted a number of confidence-building measures that were also expected to facilitate the political process of reconciliation.

58. His Government had accepted the role of the United Nations High Commissioner for Refugees in Sri Lanka where he assisted in rehabilitating voluntary returnees. It had invited the Working Group on Disappearances to visit Sri Lanka.

59. A process of consultation, compromise and consensus had been initiated involving all ethnic groups and political parties in the country, including those militants willing to seek redress through negotiation rather than violence. That effort had met with some success.

60. In the north and east of Sri Lanka, the most militant of the groups, the LTTE, had agreed to lay down its arms and enter the mainstream of democratic politics once the Indian forces had completed their withdrawal by the end of March 1990 and the maintenance of law and order in areas vacated by the Indian forces had been entrusted to the Sri Lankan police. In other parts of the country, law and order were being restored and measures being taken to make the state of normalcy permanent while identifying and eradicating the causes.

61. His Government was well aware of the residual violence that had yet to abate completely and of the concerns expressed about murders reported to have been committed by unidentified illegal groups. A mechanism had already been worked out to receive information from the public regarding the activities of such groups, and clear instructions had been given to the security forces to seek out, disband and disarm them.

62. A Commission appointed by President Premadasa had identified the prime factor in youth unrest as being economic deprivation. A very high literacy rate and a massive demand for university education had resulted in university graduates being unable to find employment commensurate with their education and aspirations. The more militant and impatient among the youth had thus attempted to change by force a system they could not change by democratic methods. Those problems could be defused only by providing equality of opportunity and enhanced scope for self-employment and the Commission had submitted a number of recommendations to that end.

63. Another area of frustration had been the non-availability of land, and a task-force had been established to survey State land and unused privately-owned land which could be distributed among the landless. The issue of poverty must also be resolved. Sri Lanka had followed the advice of the International Monetary Fund to restructure its economy, but that had resulted in heavy burdens being placed upon the poorest segment of the population, and his Government had launched a programme to alleviate the plight of the poor.

64. While international pressure was required where Governments showed no understanding of the causes of dissent or sympathy with human rights concerns, Sri Lanka's co-operation with the United Nations and the Committee of the Red Cross was well known and had been acknowledged at the Commission's forty-sixth session. The International Committee of the Red Cross (ICRC) had been invited to Sri Lanka and provided with every opportunity to carry out its mandate. Its delegation had visited detention centres and interviewed prisoners.

65. In its struggle to restore normalcy to the country and rebuild its ravished economy, Sri Lanka relied on the understanding and support of its friends. The need to protect the human rights of its citizens was a matter of the highest priority for his Government, and it had undertaken a series of far-reaching political initiatives to that end. He was convinced that, with the recent improvements in the law and order situation and the positive impact of the steps taken, peace and normalcy would soon return to his country.

66. Mr. BETZIOS (Greek Archdiocesan Council of North and South America) said that ethnic and religious minorities in Albania were suffering hardship and oppression. The Greek ethnic minority of over 400,000 persons was being

systematically persecuted; about 100,000 of them had been forcibly relocated to the northern part of Albania and were living in forced-labour concentration camps. The Albanian authorities had arbitrarily changed the demographic structure of some villages in southern Albania, in which ethnic Greeks had lived for centuries. There were more than 25,000 political prisoners in the country, in corrective labour camps.

67. Articles of the Albanian Constitution, Criminal Code and other legislation expressly denied the rights to freedom of conscience and religion, to freedom of opinion and expression, and to peaceful assembly and association. The Albanian Government's comments on the information transmitted by the Special Rapporteur (E/CN.4/1990/46, para. 26) were quite untrue: article 55 of Albania's Penal Code provided, inter alia, that religious enlightenment was a crime; many persons had been sentenced to long terms of imprisonment pursuant to that provision.

68. The Albanian régime's policies and practices against the minorities, such as restrictions on movement and forced or involuntary assimilation, were destroying ethnic and cultural identities. A recent tragic case was that of the Prassos brothers, who had tried to join their relatives in Greece; they had been arrested and tortured, and one had died. His organization appealed to the Secretary-General, through the Commission, to postpone his visit to Albania until all human rights were restored and fully respected there.

69. Military forces continued to occupy Cyprus since Turkey's invasion more than 15 years previously. The island remained divided, refugees were still unable to return home, and Turkey had brought in more than 65,000 settlers to northern Cyprus, thus seeking to institutionalize a system of ethnic segregation at a time when barriers were coming down almost everywhere. He appealed to the Commission to urge Turkey to respect the United Nations resolutions concerning human rights in Cyprus and to desist from policies and practices which violated the Charter and all relevant international instruments.

70. Ms. BAUER (International PEN) said that her organization worked to defend the right to freedom of expression and all other rights, including the right not to be subjected to arbitrary arrest or cruel and inhuman punishment. Its Writers in Prison Committee currently listed some 350 cases, in 52 countries, of writers, journalists and publishers imprisoned, disappeared, kidnapped, detained, in hiding or awaiting trial. The situations in three countries were particularly disturbing.

71. At least 50 writers and journalists were currently imprisoned in Turkey, most of them having been sentenced under articles 141 or 142 of the Turkish Penal Code, which prohibited advocating the domination of one social class and the publishing or distributing of material judged to be "communist" or "separatist". The number of reports about the harassment of Kurdish writers and culture gave particular cause for concern, as did the recurrence of documented cases of torture and ill-treatment of detainees. The reports still being received about human rights violations, including that of the arrest of two journalists on 30 January 1990 on charges relating to alleged membership of the Turkish United Communist Party, contradicted statements by Turkish authorities and other States parties' representatives that Turkey's human rights record was improving.

72. One of the most important demands made by Chinese students during the spring 1989 demonstrations had been the release of writers arrested during the democracy movement in the late 1970s, including Wei Jingsheng, who had been sentenced to 15 years in prison. Instead of releasing them, however, the authorities had arrested at least 38 others, including some of China's most distinguished writers and journalists, following the June 1989 massacre in Beijing. Requests for information having received no response, it could only be concluded that the arrests had resulted from the peaceful exercise of the right to freedom of expression.

73. In September 1988, the authorities in Myanmar had responded to demonstrations for free elections by a show of force which, according to official sources, had led to 3,000 deaths and to an unknown number of political arrests throughout the rest of the year. According to Rangoon Radio, the President of the Writers' Union and another journalist had been sentenced to 20 and 14 years in prison respectively; none of the information available suggested that either had committed any criminal acts. A respected journalist and distinguished novelist had been arrested on 20 July 1989 with other members of the National League for Democracy; the absence of information aroused concern that she was being denied her fundamental right to due process.

74. When writers in any society were silenced by intolerance there were repercussions far beyond the writers themselves. Freedom of expression was not a luxury but a necessity; its denial might, and often did, lead to a denial of the right to life, liberty and the security of the person.

75. Mr. ZUÑIGA REY (International Association of Educators for World Peace) said that the basic problem underlying failure to respect human rights throughout the world was the lack of teaching about those rights. His organization strove to have the study of the Universal Declaration included in all countries' educational systems.

76. The Commission's naming of countries which violated human rights was as a powerful instrument of dissuasion; because of it, political detainees such as himself had been released from prison in Cuba, following the visit of the Commission's mission. The allegations against the Cuban régime had, however, produced no appreciable lasting improvement in the human rights situation there and, despite ample evidence, much of it documented in the report prepared by a United Nations mission, none of the measures applicable to countries which violated human rights had been adopted in the case of Cuba.

77. Since the visiting mission had managed to document 2,452 allegations and 7 cases of disappearances in only 11 days, the question arose how many more cases would have been revealed had the visit lasted a few days longer and been extended throughout the country. It seemed that various manoeuvres, including lobbying on behalf of alleged regional interests, could prevent a due pronouncement by the Commission; in that way, the so-called "Latin American solidarity" had been exercised to prevent action in the case of the Cuban dictatorship.

78. That situation did not appear on the Commission's current agenda, although the human rights situation had deteriorated, in contrast to the democratization of Eastern Europe, which Fidel Castro had dubbed a "disgrace to history".

79. Despite what the representative of Cuba had said in the Commission, a report by Amnesty International in December 1989 stated that a wave of arrests had followed the visit of the United Nations mission. The Commission had a responsibility with regard to persons who had had the courage to come forward with information.

80. Having himself been a political prisoner for 19 years, he felt obliged to draw the Commission's attention to the cases of Mario Chánes de Armas who, since the release of Nelson Mandela, had become the world's longest-serving political prisoner, having been incarcerated for 28 years and 7 months, and of two other prisoners who had already served 21 and 20 years respectively.

81. Cubans were denied the rights to strike, form independent trade unions, elect the supreme authority, publish, organize meetings or leave the country without restriction. It was time to display support and solidarity so as to spare them further bloodshed and tears.

82. Mr. PRIELAIDA (International Federation of Free Journalists) said that the Commission's deliberations on the current agenda item had shown how often its actions had been confined to symbolic gestures as a result of the invoking of State sovereignty. Since the previous session, the overthrow of ideology-based régimes in Eastern Europe had led to growing pressure to reassert human rights, notably by the peoples themselves. Although almost everyone was applauding the change, no States or international bodies, including the Commission, could take the credit.

83. The collapse of Marxist ideology had opened up human rights prospects for millions who had known only oppression and terror. Similar prospects were appearing in South Africa, where a majority population was enslaved by the abhorrent system of apartheid; the release of Mr. Nelson Mandela was a welcome event.

84. Although individual freedom had been partly restored in the Soviet Union, human rights in Estonia, Latvia and Lithuania were still the perogative of Moscow, despite the Baltic peoples' call for independence.

85. The representative of China had denounced certain NGO's statements about the occupation of Tibet, claiming that Tibet was an integral part of the Republic of China. Sadly, the events of the past year had shown that China had not yet been touched by the changes which had affected its neighbour. His organization praised the peaceful struggle waged by the Dalai Lama for his country's independence.

86. The International Federation of Free Journalists uncompromisingly opposed any violation of human rights, and supported all the Commission's actions and machinery to safeguard them. It was regrettable, however, that, in so many instances, the direct victims or their representatives could not put their cases to the Commission, or could do so only through NGOs, whereas seats in that forum were occupied by delegations of States which put their own interpretation on such persons' interests.

87. Mr. FERNANDO (World University Service) said that he wished to draw attention to the cases of several countries in which human rights violations occurred. In El Salvador the year 1989 had brought more government repression

against the university community than for many years. The most shocking incident had been the assassination of six Jesuit priests from the Catholic Central American University. Recent information indicated that the intellectual authors of those assassinations included the head of the high command of the armed forces. The trial of those arrested was at a standstill because the soldiers called on to testify had not appeared in court. In view of the record of the Salvadorian judicial system, a just trial did not appear likely.

88. As a result of those assassinations, many professors and administrators had left the country and about 1,000 students had left the campus. In the first 11 months of 1989, 11 members of the National University community, including professors, employees and students had been assassinated by the army or security forces. As of 1 February 1990, 28 were being held in prison. Torture was regularly used on those arrested.

89. The small political openings that had existed before November had been closed. Many people from the universities, the trade unions, opposition political parties, churches and human rights organizations had fled the country. However, leaving the country had not always meant safety, as shown by the assassination in Guatemala of Hector Oqueli, the Socialist International secretary for Latin America, by Salvadorian and Guatemalan death squads.

90. The human rights situation in El Salvador could be improved only by securing a negotiated political solution. His organization thus supported the efforts being made by the Secretary-General to bring about a resumption of the negotiating process between the Government of El Salvador and the Farabundo Marti National Liberation Front. Those who committed human rights violations must be removed from the armed forces. The judicial system must be reformed and made independent.

91. With regard to Guatemala, he drew attention to the repressive wave unleashed against the leadership of the Association of University Students and said that the secondary school pupil movement and the teachers' unions had also been subjected to repression. His organization therefore called on the Commission to adopt a resolution on the human rights situation in Guatemala, providing for the appointment of a special rapporteur.

92. His organization was gravely concerned at the human rights situation in Myanmar, particularly in view of the forthcoming elections. It had doubts as to the possibility of free and fair multiparty elections. The leaders of all major opposition parties were still in detention and a large proportion of the adult population was allegedly excluded from the electoral lists. There was no freedom of assembly and freedom of expression was impaired by censorship and the Government's control of the media.

93. As a result of the repression of the pro-democracy movement in 1988, about 10,000 students had had to flee the cities to the jungles in border areas. The universities had been closed for two years and the primary and secondary schools, which had also been closed during the period, had been re-opened recently, only to close again for the elections.

94. Despite the fact that Sri Lanka was a country with one of the worst records of human rights violations, the Commission had regrettably done little to monitor and/or take measures against the situation prevailing there. According to reliable reports, gross violations of human rights were committed in the south as well as in the north. Some of those reports might be biased, but the fact was that no one could deny the gravity and magnitude of such violations.

95. Estimates ranged from 15 to 50,000 killings during 1989 by both government and anti-government forces. Those extrajudicial killings warranted special concern of the Commission. The Tamil Tigers, the EPRLF, the JVP, the Security Forces and the Indian Peace-keeping Force were all perpetrators of human rights violations in Sri Lanka. In his organization's view, however, the Government of Sri Lanka had, by definition, a major responsibility to respect human rights and ensure the maintenance of the rule of law.

96. Special mention should be made of the situation of the universities in Sri Lanka. Students had been the victims of gross human rights violations. It should be noted, however, that some of them had committed acts of violence. His organization understood that 277 university students were missing and another 215 were in detention camps.

97. His delegation would like to see improved relations between India and Sri Lanka with mutual respect for the internal and external security of both countries. It welcomed the withdrawal of the Indian peace-keeping force and the prospects for a negotiated settlement of the Tamil question. However, it emphasized the importance of involving all Tamil groups and the Muslims in any negotiations, which was of the greatest importance if the internecine war and violence in the north and the east were to be brought to an end.

98. As a member of the Commission, Sri Lanka had a special responsibility to the international community with regard to its internal human rights situation and he strongly urged the Government of Sri Lanka to invite a special rapporteur to investigate and report on the human rights situation in the country.

99. Mr. MacDERMOT (International Commission of Jurists) said that his organization warmly welcomed the profound changes taking place in Eastern Europe. Together with the rest of the world, it rejoiced at the release of Nelson Mandela and the legalization of banned anti-apartheid groups in South Africa, which were, however, only first steps on the road towards the abolition of apartheid. It also welcomed the elections which were leading to a free and independent Namibia.

100. At the same time, it could not help but note that there had been a serious deterioration in human rights in many countries of the world. It had already referred to the unfortunate new developments in the territories occupied by Israel. It was also preoccupied by the worsening situation in El Salvador, where, as the Special Representative confirmed, there had been a resurgence of arbitrary arrests, torture, disappearances, abductions and summary executions.

101. His delegation considered that the cause of human rights in Guatemala and Haiti, which were receiving advisory services, would be better served by the addition of special rapporteurs.

102. In the Sudan, following the coup d'état of 30 June 1989, the military authorities had declared a state of emergency, dissolved the Parliament, suspended the Constitution and banned all political parties and trade unions, including the Bar Association. More than 390 people had been arrested, including all the major political and trade union leaders of the country. Reliable reports indicated that many of them had been subjected to torture.

103. The authorities had crushed the Judiciary. Civilians were being tried summarily by military tribunals, in which the accused had no right to counsel. When a general assembly of judges had protested against those military tribunals, 57 judges had been dismissed and at least 20 detained. Massive abuses had been committed by government forces in the context of the country's civil war, and extrajudicial executions had been widespread.

104. His organization once again expressed concern about the situation in Iraq, where military attacks by government forces in over 30 towns in the south in January had left large numbers of people dead, including unarmed civilians. The programme of forced resettlement of the Kurdish population, already the victim of chemical weapon attacks in 1988, had continued. It was reported that over 70 per cent of the villages and towns in the Kurdish area of Iraq had been destroyed.

105. With regard to the invitation by a little-known Iraqi human rights organization to visit Iraq, experience with such offers on earlier occasions counselled wariness. In that connection, he recalled that, in 1988, the Iraqi Ambassador in London had invited three United Kingdom members of Parliament to visit Iraq. When they had requested an opportunity to go to Kurdish areas and to visit prisons, their visit had been postponed, never to be rescheduled. The Iraqi Government had refused to invite the Working Group on Enforced or Involuntary Disappearances. It had also refused a request from the Secretary-General for an investigation of the charges of the use of chemical weapons against the Kurds.

106. In Peru, where a complex situation of government and subversive violence reigned, a special Senate Commission reported that, in 1989, 3,198 persons had died in political violence. Virtually none of those cases had been investigated, thus assuring impunity to their authors.

107. In Myanmar, general elections had been scheduled for May 1990 but prominent leaders of political parties continued to be detained. Continued intimidation and repression by the army, intensive surveillance by the intelligence agencies, the intimidation of local journalists and the ban on foreign journalists seriously prejudiced the possibility of a free and fair election.

108. His organization was also concerned about Martial Law Orders 1/89 and 2/89 granting authority to military commanders to conduct summary trials and military tribunals. Their summary procedures made no mention of defence rights, and military commanders might "dispense with unnecessary witnesses". Penalties ranged from three years with hard labour to death, with no right of appeal. Several persons had been sentenced to death under those orders.

109. His delegation was greatly concerned at the increasing number of extrajudicial executions taking place in Sri Lanka. In 1989 alone, 30,000 persons were believed to have been killed by the security forces, pro-Government paramilitary forces, and by the opposition JVP and the Liberation Tigers of Tamil Eelam.

110. An emergency regulation permitted the disposal of bodies without post-mortem or inquest, a fact which had contributed to the deterioration in the situation and contravened the principles on the prevention of summary or arbitrary executions. Victims included lawyers undertaking human rights litigation on behalf of people who alleged illegal detention, disappearance or torture at the hands of security forces. Eight such lawyers had been killed while many continued to be threatened and large numbers had been forced to leave the country.

111. In China, at least 1,000 people had been killed and many more injured in Beijing in June 1989 when troops had fired on unarmed peaceful demonstrators. The reply of the Chinese Government (E/CN.4/1990/52, para. 3) that the matter was "entirely China's internal affair" and a matter different in nature from the question of human rights was untenable and a direct affront to the widely accepted principle of the universality of human rights.

112. Mr. ALDORI (Iraq), speaking in exercise of the right of reply, said, with regard to the statement by the representative of Amnesty International, that all Kurds and others who benefited from the amnesty decree promulgated in Iraq enjoyed the protection of the Iraqi authorities and had returned to their normal occupations in the region in which they had been living.

113. He wished to point out that the report on which the Amnesty International delegation had based itself was an unofficial document that relied on allegations by bodies well known for their hostility to Iraq. Those bodies had been spreading false rumours among the Kurds to dissuade them from returning to their country. Such allegations were politically motivated and his delegation was surprised that they should influence organizations, such as Amnesty International.

114. Furthermore, the comments by the representative of Amnesty International related to events that had taken place in 1988 at the end of a long war and in the immedite post-war period. He stressed his delegation's willingness to co-operate fully with Amnesty International and said that it awaited specific details so that it could look further into the matter.

115. As for the Arab Organization for Human Rights, it should preferably have been more accurate in its information and taken note of the positive developments occurring in Iraq and elsewhere in the Arab world. Those who were really concerned must constantly monitor the situation and not be content with obtaining information dating back to a previous period.

116. With regard to the statement by the International Commission of Health Professionals for Health and Human Rights, his delegation regretted that cases of poisoning should have occurred among the Kurdish refugees abroad and hoped that they would soon return to their own country where they could live in peace and good health.

117. His delegation would not attempt to answer the statement by the representative of the International Commission of Jurists, since it contained so many errors and merely sought to confuse the issue.

118. Mr. CHEN Shiqui (China), speaking in exercise of the right of reply said that the representative of Ireland, speaking on behalf of the members of the European Community, had made unwarranted accusations against China based on information provided by Western news media, accusations that his delegation firmly rejected. What had begun as a demonstration in April 1989 had turned into a rebellion. His Government had given an explanation of the events in a letter to the Secretary-General.

119. The representative of Ireland had expressed the hope that China would respect the right of freedom of expression and assembly. He should note that the Chinese people enjoyed precisely the same rights as those enjoyed by the citizens of the members of the European Community. However, the Chinese people had another right, the right not to be exploited.

120. He wished to make it clear that, while the Chinese people enjoyed the right to hold demonstrations and the right of assembly, they were not allowed, of course, just as was the case in other countries, to organize illegal demonstrations nor did they have the right to create national disturbances or impose their will on others.

121. Mr. ABU OSHBA (Observer for Saudi Arabia), speaking in exercise of the right of reply, said that the statement in the report by the Special Rapporteur on summary or arbitrary executions (E/CN.4/1990/22, para. 353) that no reply had been received from the Government of Saudi Arabia was quite untrue. His Government had replied to the request for information concerning terrorist acts which had been committed by foreigners in its territory and which had resulted in the death of innocent people and the destruction of public property. In an official note addressed to the Secretary-General on 5 December 1989, his Government had said that the criminals had been arrested, tried and punished in accordance with the law in force in the country in which they had carried out their terrorist acts.

The meeting rose at 1 p.m.